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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Nobuaki HASHIMOTO

Group Art Unit: 2827

Application No.: 09/673,208

Examiner: D. Zarncke

Filed: October 13, 2000

Docket No.: 2827

For: SEMICONDUCTOR DEVICE, MOUNTING SUBSTRATE AND METHOD OF
MANUFACTURING MOUNTING SUBSTRATE, CIRCUIT BOARD, AND
ELECTRONIC INSTRUMENT

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction and Election Requirement mailed September 5, 2003, the period for reply effectively extended to October 6, 2003, the Applicant provisionally elects claims 1-27, with traverse. Of these claims, the Applicant provisionally elects the species of Fig. 8, claims 2, 5, 8, 11, 14, 17, 20, 23 and 26, with traverse.

It is respectfully submitted that the Restriction/Election Requirement is improper as this is a PCT-U.S. National Stage Application, U.S. domestic law cannot be applied to the application (PCT Article 27(1)) and the judgement must be made on PCT Rule 13. Under PCT Rule 13, a group of invention is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature, which is defined as those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art (MPEP §1893.03(d)).

The Examiner asserts that the product claims lack the same special technical feature as they each apply the plating layers in different places on the interconnect pattern, and the method claims

lack the special technical features as they each apply the plating layers using different methods.

However, such is not the standard in PCT-National Stages as the Examiner has not indicated whether the technical features that define the contribution which each claimed invention considered as a whole, makes over the prior art.

It is also respectfully submitted that the subject matter of all claims 1-27 is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent invention" (emphasis added). It is respectfully submitted that this policy also should apply in the present application in order to avoid unnecessary delay and expense to the Applicant, and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction/Election Requirement is respectfully requested.

Respectfully submitted,



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JAO:SSK/tbh

Date: October 6, 2003

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